

ZB# 92-30

Windsor Enterprises, Inc.

37-1-34

Prelim.

September 14, 1992.

Need:

① Rendering of
sign

Need also

② Where sign is going
to be put.

③ Deed

④ Title report

⑤ Fees 150.00 + there
Notice to Sentinel 250.00 + there

⑥ OCLD to BL 9/2. ✓

notified - 9/17/92

P.H. - October 5, 1992

Tabled pending
OCLD review.

October 26, 1992

P.H. extended.

NO. 753 1/3

MADE IN U.S.A.

Approved -

ESSELTE

Oxford®

Area variance

for sign

~~655.00~~

Paid ck.

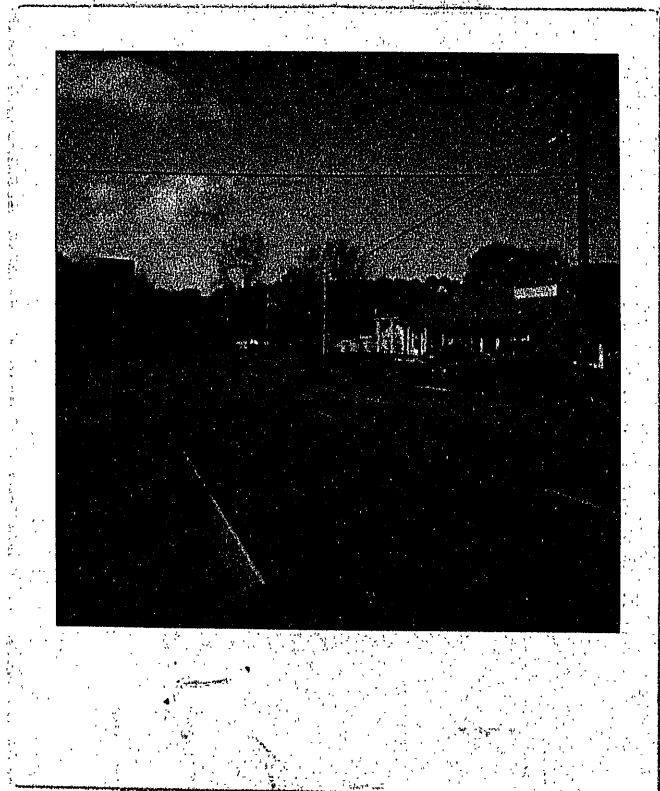
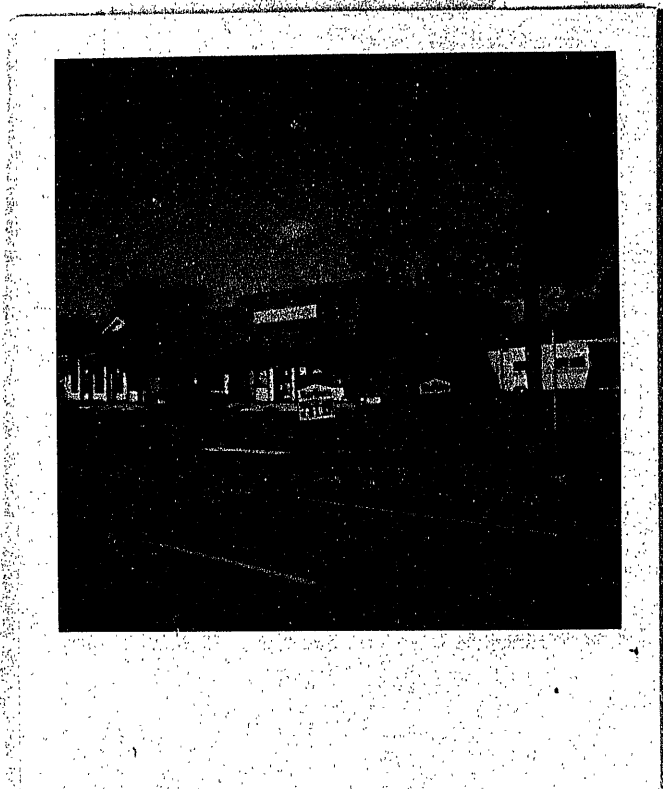
\$ 2653

3/26/93.

#92-30 - Windsor Enterprises, Inc.

Sign - Salon, Deli, Pizza

37-1-35.32.



TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

12924

OCT 7

1992



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**WINDSOR ENTERPRISES INC.**P.O. BOX 928 PH. 914-565-8845
VAILS GATE, NY 12584

2460

Sept. 17th, 1992 50-693/219PAY
TO THE
ORDER OF

TOWN OF NEW WINDSOR

\$ 150.⁰⁰

ONE HUNDRED FIFTY AND

DOLLARS

Key Bank of Eastern New York N.A.
Route 32
Vails Gate, NY 12584
Vails Gate Office

302

FOR App Fee Zoning Board

#92-30 ⑈002460⑈ ⑆021906934⑆ 024244448⑈

**WINDSOR ENTERPRISES INC.**P.O. BOX 928 PH. 914-565-8845
VAILS GATE, NY 12584

2461

Sept. 17th, 1992 50-693/219PAY
TO THE
ORDER OF

TOWN OF NEW WINDSOR

\$ 250.⁰⁰

Two HUNDRED FIFTY AND

DOLLARS

Key Bank of Eastern New York N.A.
Route 32
Vails Gate, NY 12584
Vails Gate Office

302

FOR Consultant Fee

#92-30 ⑈002461⑈ ⑆021906934⑆ 024244448⑈

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Windsor Enterprises, Inc. (Salon, Deli, Pizza) FILE # 92-30

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 pd.
* * * * * ck 2460

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 pd
ck. 2461.

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 9/14/93 - 4 pages: . \$ 18.00.
2ND PRELIM. MEETING - PER PAGE \$ _____
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE 10/5/92 - 6 pages: \$ 27.00
TOTAL \$ 45.00

ATTORNEY'S FEES:

PRELIM. MEETING-	<u>.1</u>	HRS.	\$	_____
2ND PRELIM.		HRS.	\$	_____
3RD PRELIM. <u>PH.</u>	<u>.2</u>	HRS.	\$	_____
FORMAL DECISION	<u>1.5</u>	HRS.	\$	_____
TOTAL HRS.		<u>1.8</u>	@ \$ <u>150.00</u> PER HR.	\$	<u>270.00</u>
				TOTAL	\$ <u>270.00</u>

MISC. CHARGES:

_____ \$ 0
TOTAL \$ 315.00

LESS ESCROW DEPOSIT \$ 250.00
(ADDL. CHARGES DUE) \$ 65.00 due
REFUND TO APPLICANT DUE \$ _____

-----X

In the Matter of the Application of

WINDSOR ENTERPRISES, INC.
(PIZZA/SALON/DELI)DECISION GRANTING
SIGN VARIANCE

#92-30.

-----X

WHEREAS, WINDSOR ENTERPRISES, INC., a corporation with offices located on Route 9W and Caesar's Lane, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for 60 s.f. sign area variance for a free-standing sign to be located on the front portion of the above location in an NC zone; and

WHEREAS, a public hearing was held on the 5th day of October, 1992, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York and was adjourned to, and continued on the 26th day of October 1992; and

WHEREAS, Raymond Yonnone was present at the hearings and spoke on behalf of applicant in support of the application; and

WHEREAS, there were no spectators present at the public hearing; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that the applicant is seeking to vary the provisions of the bulk regulations pertaining to sign area in order to construct a 90 s.f. free-standing directory sign, to identify three separate businesses on this site, which is located on a corner lot at the intersection of Caesar's Lane and N.Y.S. Route 9W. The said sign is to be located at the corner, within the required set-back and height requirements.

3. Applicant's proposed sign area exceeds the bulk regulations for free-standing signs in the NC zone by 60 s.f. and a variance for more than the allowable sign area is required in order to allow construction thereof.

4. The evidence presented and the Board's familiarity with the area shows that Route 9W in the Town of New Windsor, at the corner of Caesar's Lane, the site of the proposed free-standing sign, is a busy intersection on a well-traveled highway. Motorists typically pass the subject site at 55 to 60 mph. In addition, the property location is at an intersection where N.Y.S. Route 9W changes from an undivided to a divided highway;

and the property is located at the foot of a hill, and just over a bridge without any shoulders. All of these factors make clear signage, which quickly identifies the location of several different businesses, absolutely essential.

5. The evidence presented by the applicant indicated that the present separate signage for the three businesses on the property is haphazard and temporary. The present application seeks to correct these deficiencies by unifying the signage on a single sign which will improve visibility and recognition as well as improving safety for passing traffic and users of the premises.

6. The evidence presented by the applicant further indicated and the Board's familiarity with the area further shows that clear, easily recognized signage is especially critical in this area of Route 9W and Caesar's Lane because of the rapidly moving traffic along this busy highway, and the slow and/or stopped turning traffic onto and from Caesar's Lane creates a hazardous intersection right in front of the subject property. Clear and quickly readable directory signage at this site will minimize the hazards to the public health, safety, and welfare as well as providing the applicant with the necessary exposure for the three businesses at the site. The proposed sign will comply with the required setbacks and height so it will not be located within required traffic sight lines.

7. The evidence presented indicated that the proposed sign will consolidate the present individual signage into a single directory sign with inserts for the respective businesses, thereby eliminating multiple and confusing signage along the road frontage.

8. The evidence presented further showed that the proposed signage will facilitate ready identification of the applicant's property by passing motorists.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties. The premises are used for uses permitted in the NC zone which is consistent with the character of the neighborhood.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is substantial in relation to the bulk regulations for sign area. However, it is the conclusion of this Board that the granting of the requested substantial variance is warranted here because the proposed signage is a reasonable balancing of the applicant's need to identify the three businesses on the site and the need to protect the health, safety and welfare of the public at this busy intersection, at the

foot of a hill, just over a bridge, which necessarily involves the hazard of slow-moving, turning vehicles confronting fast-moving through traffic. It is the Board's conclusion that, on balance, a single, free-standing directory sign, which is clear and easily recognized, although larger than the maximum allowed by the applicable zoning, is preferable to multiple, haphazard signage.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is not self-created.

6. It is the finding of this Board that the benefit to the applicant, if the requested sign area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested sign area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested sign area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 60 s.f. sign area variance for a free-standing sign at the above location in an NC zone as sought by the applicant, in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: November 9, 1992.


Chairman

Date 1/22/92, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 354 Masses Hill Rd DR.
 Hans Windsor, NY 12553

DATE			CLAIMED	ALLOWED
12/5/92		Zoning Board Meeting	75 00	
		1/1 sec. - 4	18 00	
		Planner - 3	36 00	
		Agenda - 13	58 50	
		indul - 16	72 00	
		Carrels - 13	58 50	
		Windsor Enterprises 13 - (6) 27.00	58 50	
			376 50	

WINDSOR ENTERPRISES, INC. (Salon/Deli/Pizza) - PUBLIC
HEARING

MR. FENWICK: The fifth item public hearing we have is Windsor Enterprises, Inc. request for 60 square foot sign area variance free standing sign (Salon/Deli/Pizza) located at corner of Caesar's Lane and Route 9W in an NC zone. Present James Petro, Jr..

MR. YANNONE: Ray Yannone. These are some photos. There is two locations, two separate parcels.

MR. FENWICK: Mr. Yannone, you're going to have to present why the, why you have been cited?

MR. YANNONE: Well, there is no, there are two buildings. One is an existing building and one is a new building. As you can see the existing plaza now has some temporary signs on the corner that we would like to get rid of. Place a permanent sign post. Route 9W is a pretty fast moving road so the cars move along at a pretty good pace. Without any signage on the road it's very hard to get anybody's attention as they're going by. There is no stop sign, it's 55 mile an hour speed limit. The new building that we just constructed --

MR. FENWICK: Before you go on to that one --

MR. YANNONE: One at a time?

MR. FENWICK: One at a time. It's listed on the agenda like that. That's the way we are going to have to look at it.

MR. YANNONE: Basically we are trying to eliminate all the temporary signs on this corner and go with just one sign post for the three stores that are in that building. Where the signs are going to be placed is right in about the same area as the temporary signs are now. As you can see by this picture as the cars pull out onto Route 9W it's quite a ways back from where the I guess the sign line of sight would be for the drivers.

MR. FENWICK: They are going to be legally setback as per law off the property line, fifteen feet in all directions.

MR. BABCOCK: Yes.

MR. TORLEY: All of the garbage?

MR. YANNONE: Part of the idea to eliminate that.

MR. TANNER: Is he going to have some kind of landscaping around the sign or curbing or something?

MR. YANNONE: On this building it's going to be difficult. We are going to be placing something around it. But, because of its location in the corner and the parking lot is very small, it's going to be, we will have some type of a base, maybe a small planter. Limited space there to do anything. Probably more on a narrow taller pole so it wouldn't cause any other obstruction for cars or visibility of the building.

MR. FENWICK: This building sign is all right now?

MR. BABCOCK: Yes. Right now the building signs, right now the building sign has been one of the signs that were there were eliminated as of we are talking now. They are going to possibly cut down that sign, and use it for a building sign. They are going to make the code with it.

MR. FENWICK: Just let me ask you what's legal free standing, that is square footage of legal --

MR. BABCOCK: In this zone 30 square feet.

MR. FENWICK: When we look at the building and, maybe this is going to get over to the attorney, when we look at the building we're looking at each individual business. Okay. We're saying you are allowed per business 20 square feet, I believe. Don't we address the free standing sign the same way? Why wouldn't each business be entitled to their own free standing sign? If each business in fact in the building are, I know now this is a

matter of interpretation on your part, maybe you can answer it on your part, why if each business is allowed a wall sign for their business why isn't each business allowed a free standing sign for their business?

MR. TANNER: You could end up with a humungous sign. Take my property, for instance, where most of the stores are off the road. If you had 35 stores in there boy, you wouldn't --

MR. FENWICK: What I am getting at is maybe this is something we should be looking at or maybe the town should be looking at is you're entitled to 30 square feet to free stand, to free stand. Maybe only one in place per building, something along your line or something like that.

MR. TANNER: If everybody had 30 square feet, for instance, in my place, if you had, even ten businesses and you gave them that much, that's a huge sign.

MR. FENWICK: The other thing I am getting at how are we segregating one, in other words, the buildings, the businesses that are in the building are all separate businesses. When you get out to the road they are no longer separate businesses.

MR. TORLEY: The code is specific on that. The number 9 under column N. NC zone free standing signs may provided single or multiple businesses on one lot not to exceed one such sign per lot.

MR. FENWICK: Okay.

MR. TANNER: Talking about a lot. Because you could go crazy with that.

MR. TORLEY: This is one of the things in the signage that should be changed, but that's what it is now.

MR. FENWICK: I just wanted to find out why it was addressed that way, that's all. Why do you feel these signs have to be this big?

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MR. YANNONE: One of the reasons is the traffic. Cars do move very quickly up and down the road. The sign will be setback quite a ways to stay within the, I guess the boundaries that we have to stay within. If they were any smaller you probably wouldn't see them at all.

MR. LUCIA: I notice in reviewing the application on this property the answer to the item Roman numeral VI, small C, referred to total sign area of 20 square feet. I assume that's 20 square feet in addition to the 90 square feet that you're now proposing.

MR. YANNONE: For the variance request?

MR. LUCIA: Right, 20 square feet of signage elsewhere on the property?

MR. YANNONE: It's 60 square foot. The proposed sign is 90 square feet. I think we are allowed 30. We are asking for 60 additional square feet.

MR. LUCIA: I understand that this question was asking for total signage on the property.

MR. YANNONE: That's on the property, yes.

MR. LUCIA: You listed 20 square feet.

MR. YANNONE: There is an existing sign on the deli. The photograph is here somewhere. You can see that right on the roof. It's a small, it's a narrow long sign. That's the only identification that they have right now.

MR. LUCIA: 20 foot square sign?

MR. YANNONE: Yes.

MR. LUCIA: Okay, thank you.

MR. TORLEY: Do we have all the county notifications?

MR. LUCIA: Again, we would have to adjourn this to October 26th because the county, Department of

Planning and Development was notified September 17th. We have no response from them. Under Municipal 239M we cannot vote until at least 30 days elapsed unless we can get the response prior to that 30 day expiration.

MR. TANNER: They never get it to us less than 29 days.

MR. LUCIA: Mobil came back and went out about the same. That one came back.

MR. TANNER: It took them awhile to research this, I'm sure.

MR. LUCIA: I notice in reviewing your title policy this property makes reference to a number of grants and easements and covenants and setbacks and some file map restrictions. Is there anything affecting the title to this property, to your knowledge, which would prevent you from maintaining the signage which you are proposing.

MR. YANNONE: No, we actually purchased each parcel, three parcels. Most of those came about by us purchasing one parcel right-of-ways going through and you know, through the lots. Now that we own all the parcels most of the right-of-ways only affect us with the exception of the driveway going in the back to the freight company behind us.

MR. LUCIA: Just a couple of questions with regard to the area variance requirements for signage here. Would an undesirable change be produced in the character of the neighborhood or detriment to nearby properties created if this board should grant the variance?

MR. YANNONE: I think most businesses have similar signs and similar sizes. I think it would be right in the character of the neighborhood.

MR. LUCIA: Is the benefit sought by you or can the benefit sought by you be achieved in some other method feasible for you to pursue other than an area variance?

October 5, 1992

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MR. YANNONE: Not to my knowledge.

MR. LUCIA: Would the requested area variance be substantial?

MR. YANNONE: Substantial?

MR. LUCIA: Substantial in terms of the ordinance, minimums, maximums.

MR. YANNONE: Yes.

MR. LUCIA: But you feel you need the signage because of its speed which traffic passes?

MR. YANNONE: Yes.

MR. LUCIA: Will the requested area variance have an adverse effect or impact on physical or environmental conditions in the neighborhood or district?

MR. YANNONE: No, it will probably improve it by getting rid of some temporary signs.

MR. LUCIA: Did you create this difficulty yourself?

MR. YANNONE: Did not.

MR. LUCIA: Thank you.

MR. FENWICK: Any other questions from members of the board? At this time I will open it up for the public. Anyone in the public have any comments? I will close it to the public. Actually it's just kind of an adjourned type situation right now. It's not closed. Anymore questions from members of the board? Can we have a motion to adjourn?

MR. NUGENT: Make a motion we adjourn.

MR. TORLEY: This public meeting? Second.

MR. LUCIA: To specific date?

MR. NUGENT: The 26th.

October 5, 1992

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ROLL CALL

MR. TORLEY	Aye
MR. NUGENT	Aye
MR. TANNER	Aye
MR. FENWICK	Aye

Date 10/9/92, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550

TO Frances Roth 384 Morris Hill Rd DR.
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
11/4/92		Zoning Board 63 pages	75 00	
		Misc. 3	13 50	
		Mobil - 23	103 50	
		Belinsky - 12	54 00	
		Chancy - 10	45 00	
		Windsor Enterprises - 4 & 3	31 50	
		Schumacher - 5	22 50	
		Bella - 3		
			358 50	

September 14, 1992

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WINDSOR ENTERPRISES, INC.

MR. FENWICK: This is a request for 600 square foot sign area variance for freestanding sign (Salon/Deli/Pizza) located at corner of Caesar's Lane and Route 9W in an NC zone.

Mr. James R. Petro, Jr. came before the Board representing this proposal.

MR. LUCIA: You're a principal in Windsor Enterprises, I assume?

MR. PETRO: That is correct.

MR. FENWICK: Tell us what you want to do.

MR. PETRO: This is the salon, I want to construct freestanding sign on the corner of Caesar's Lane.

MR. BABCOCK: He had both of the signs on one application so you'll see that the other side of that application is blocked out for the next sign.

MR. PETRO: Construct freestanding sign on the corner of Caesar's Lane and 9W. For the plaza that's there, there's no freestanding sign as it is right now. There's the deli has a couple signs out there and the salon had a sign. And it looked a little haphazard. I thought I could combine plus we had a store built in the middle that's not rented. I have a pizzeria going in there basically there's three stores at the site. Three retail operations. And naturally, they all want their signs. The only other sign on the premises right now is the deli has a 2 by, maybe a 2 by 5 or 6 sign on the building itself. The deli, the salon has a sign inside the window that is the only other signage.

MR. LUCIA: Mike, that signage on the building doesn't require a variance?

MR. BABCOCK: That's different, no, it's a different, this is freestanding.

MR. PETRO: One thing I want to get away with is the yellow sign for the deli, they buy the yellow signs like Calvet's, it's out on the corner.

MR. NUGENT: That's going?

MR. PETRO: I'd like to have that gone.

MR. TANNER: So would we.

MR. FENWICK: Do we have an actual location of where the sign is going to be.

MR. PETRO: On the property line, I'll come in what's required by code to get it on the corner.

MR. LUCIA: Set back at least 15 feet from each property line.

MR. FENWICK: I wouldn't think you'd want to be to close to the corner.

MR. PETRO: I don't want DOT to give me a hard time.

MR. FENWICK: This is not lit?

MR. PETRO: At this time, it will be non-lit. I don't want to say forever, I don't know. I don't have plans to light it at this time.

MR. KONKOL: If you do, it wouldn't be a flashing sign, right?

MR. PETRO: Definitely not.

MR. FENWICK: Do you have these signs made already?

MR. PETRO: No, I do not.

MR. FENWICK: Do you have someone in mind to make them?

MR. PETRO: They are going to be professionally made, I can tell you that, I'm not sure exactly who, Signs by Kim or Perry's Sign Company, it will be a professional job.

MR. FENWICK: What I was getting at Jim, looking for some kind of a rendering.

MR. PETRO: We can get you something drawn up.

MR. KONKOL: What is allowable there?

MR. PETRO: 3 by 5 single.

MR. FENWICK: All the businesses legal in there?

MR. BABCOCK: Yes.

MR. FENWICK: You say there's signs on the building but they are all right?

MR. BABCOCK: Yes, they are within the allowable.

MR. FENWICK: If you get this up then, Jim, the other people will have to do with whatever they have there now.

MR. PETRO: There's a yellow sign with the black letters and I told them it's going to have to go, I don't like it there myself. Any questions from the Members of the Board?

MR. FENWICK: Again, what we'd like to do is if you can give us maybe a blowup of the plot plan and pinpoint by law where you're going to put the sign, has to be part of the file.

MR. PETRO: Okay.

MR. FENWICK: And then maybe something a little better.

MR. PETRO: Better rendering.

MR. FENWICK: That is all.

MR. PETRO: I'd say that basically just for the dimensions of the sign wasn't really for what was going to be on the sign so we had something to go by.

MR. FENWICK: It becomes part of the file.

MR. NUGENT: I make a motion to set him up for a public hearing.

MR. KONKOL: I'll second it.

September 14, 1992

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ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. LUCIA: When you come back, Jim, the standard this Board has to on an area variance to take into consideration the benefit to you if the variance is granted as weighed against the detriment of the health, safety and welfare of the neighborhood or community by said grant and you need to speak to five specific issues.

One whether undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting the variance. Number 2, whether the benefits sought by the applicant can be achieved by some other method feasible for you to pursue other than an area variance. Number 3, whether the requested area variance is substantial. Number 4, whether proposed variance will have an adverse impact or effect on the physical or environmental aspects of the district. And Number 5, whether the alleged difficulty was self-created.

When you come back, we'll need the application and Pat will give you that in a moment, there's instruction there. Any questions, she'll help you with it. You'll also need two checks, both payable to the Town of New Windsor one for \$150, an application fee because this is commercial property and the second one for \$250 which is a deposit against town consultant fees and various disbursements the Board has in processing your application.

And we'll also need County referral on this because of the location of the property. Also when you come back, bring in copy of your deed and title policy and some photographs of the site plan.

MR. PETRO: Sure.

B.

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION
(Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.
To be signed by Local Official.

Local File No. 92-30

1. Municipality Town of New Windsor Public Hearing Date 10/5/92

☐ City, Town or Village Board ☐ Planning Board ☒ Zoning Board of Appeals

2. Applicant: NAME Windsor Enterprises, Inc.

Address P.O. Box 928, Vails Gate, N.Y. 12584

Attorney, Engineer, Architect _____

3. Location of Site: Rt. 9W / Caesar's Lane
(street or highway, plus nearest intersection)

Tax Map Identification: Section 37 Block 1 Lot 34

Present Zoning District NC Size of Parcel 200 x 300

4. Type of Review:

☐ Special Permit Use* _____

☒ Variance* Use _____

Area - Sign - see attached plans.

☐ Zone Change* From: _____ To: _____

☐ Zoning Amendment* To Section: _____

☐ Subdivision** Major _____ Minor _____

9/17/92
Date

Patricia G. Bunkhart, Secy.
Signature and Title

*Cite Section of Zoning Regulations where pertinent
**Three (3) copies of map must be submitted if located along County
Highway, otherwise, submit two (2) copies of map.

OCPD-1

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

92-30.

Date: 9/17/92.

I. ✓ Applicant Information:

- (a) WINDSOR ENTERPRISES, INC. P.O. Box 928 Vails Gate, N.Y. 565-8530
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☒ Sign Variance
- ☐ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) NC. 63-65 RT. 9W NEW WINDSOR N.Y. 37-1-34 .5 Ac.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO.
- (d) When was property purchased by present owner? JAN 91.
- (e) Has property been subdivided previously? NO.
- (f) Has property been subject of variance previously? NO.
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- _____
- _____
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of BULK Regs., Col. N-9, to allow:
(Describe proposal) _____
- _____
- _____
- _____
- _____

Deli

(b) ^{N/A} The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance: ^{N/A}

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) ^{N/A} The legal standard for an "area" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you may have made to alleviate the difficulty other than this application.

✓ VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-12, Table of BULK Regs., Col. N9.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<u>30 SQ FT</u>	<u>90 SQ FT</u>	<u>60 SQ FT</u>
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____

(b) ✓ Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

LOCATED ON RT. 9W IN A 55MPH ZONE. ALSO WE HAVE
THREE SEPARATE BUSINESSES LOCATED ON THE SITE.

(c) ✓ What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

20 SQ FT

VII. Interpretation. N/A.

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

TEMPORARY SIGNS WILL BE ELIMINATED

✓ IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$250.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 9/17/92

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X Samuel R. Potts
(Applicant)

Sworn to before me this

17th day of Sept., 1992.

Patricia A. Banhart
 XI. ZBA Action:

XI. ZBA Action:

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 2023.

- (a) Public Hearing date: _____.
- (b) Variance: Granted (☐) Denied (☐)
- (c) Restrictions or conditions: _____
- _____
- _____

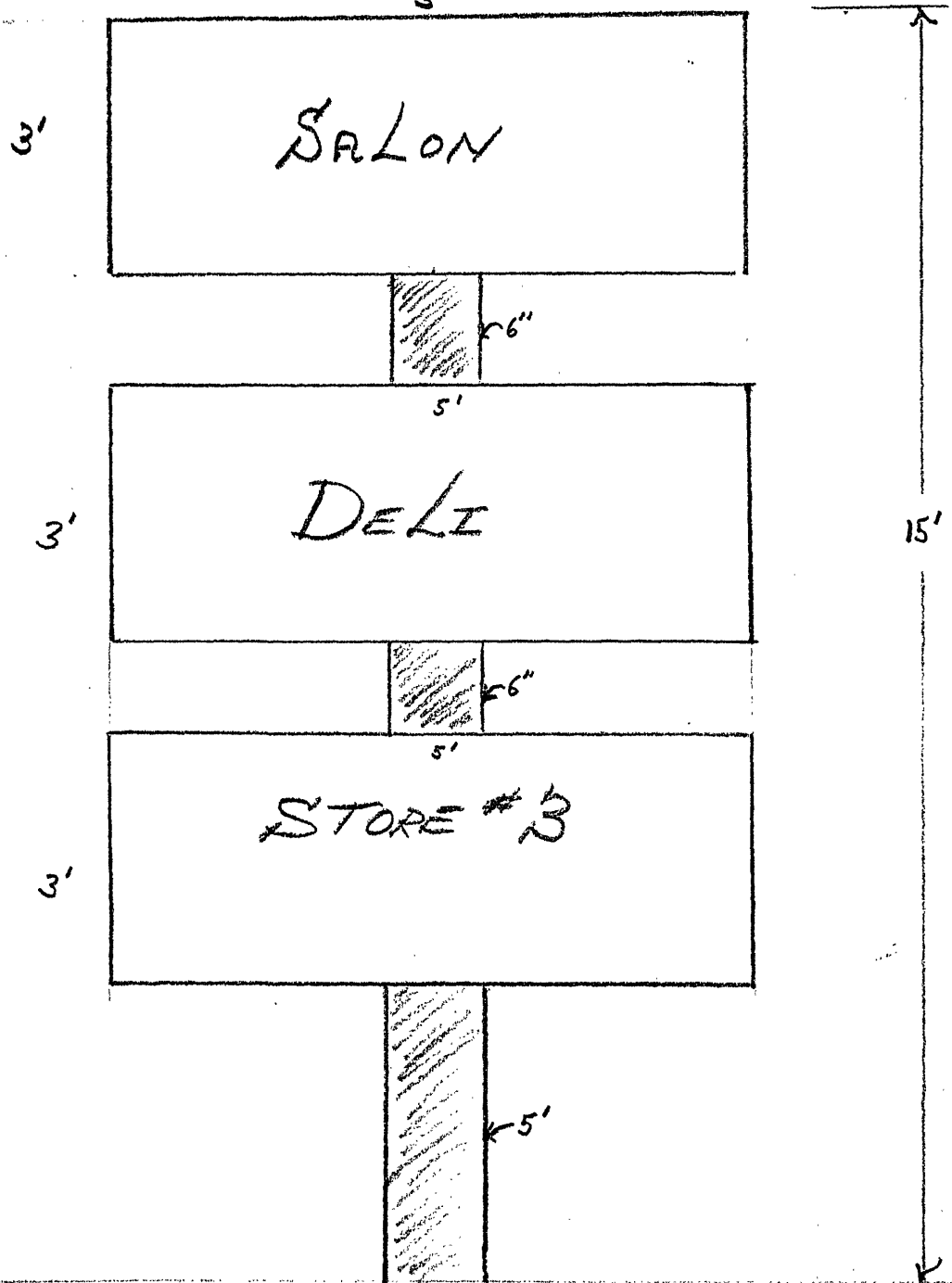
NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

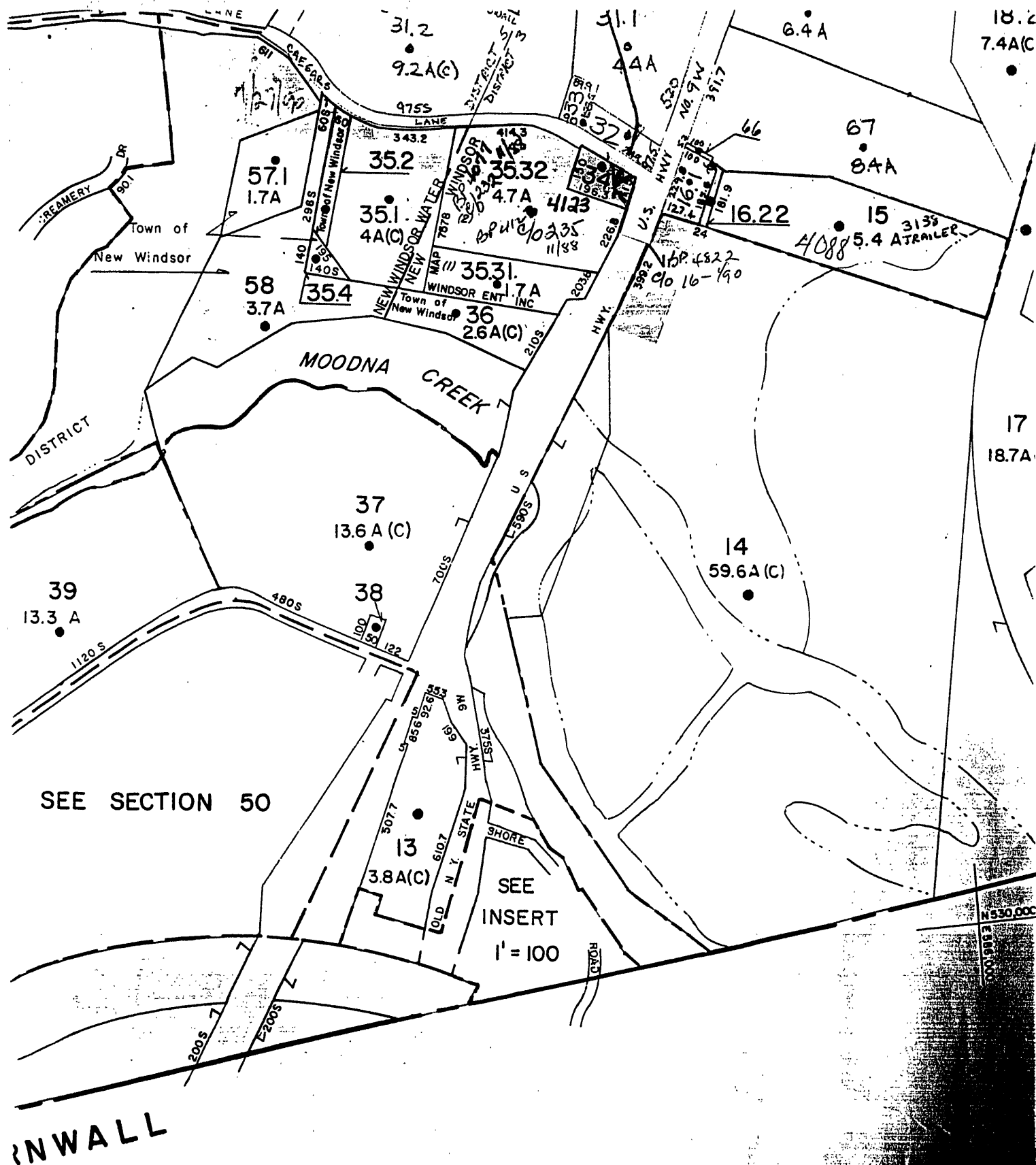
(ZBA DISK#7-080991.AP)

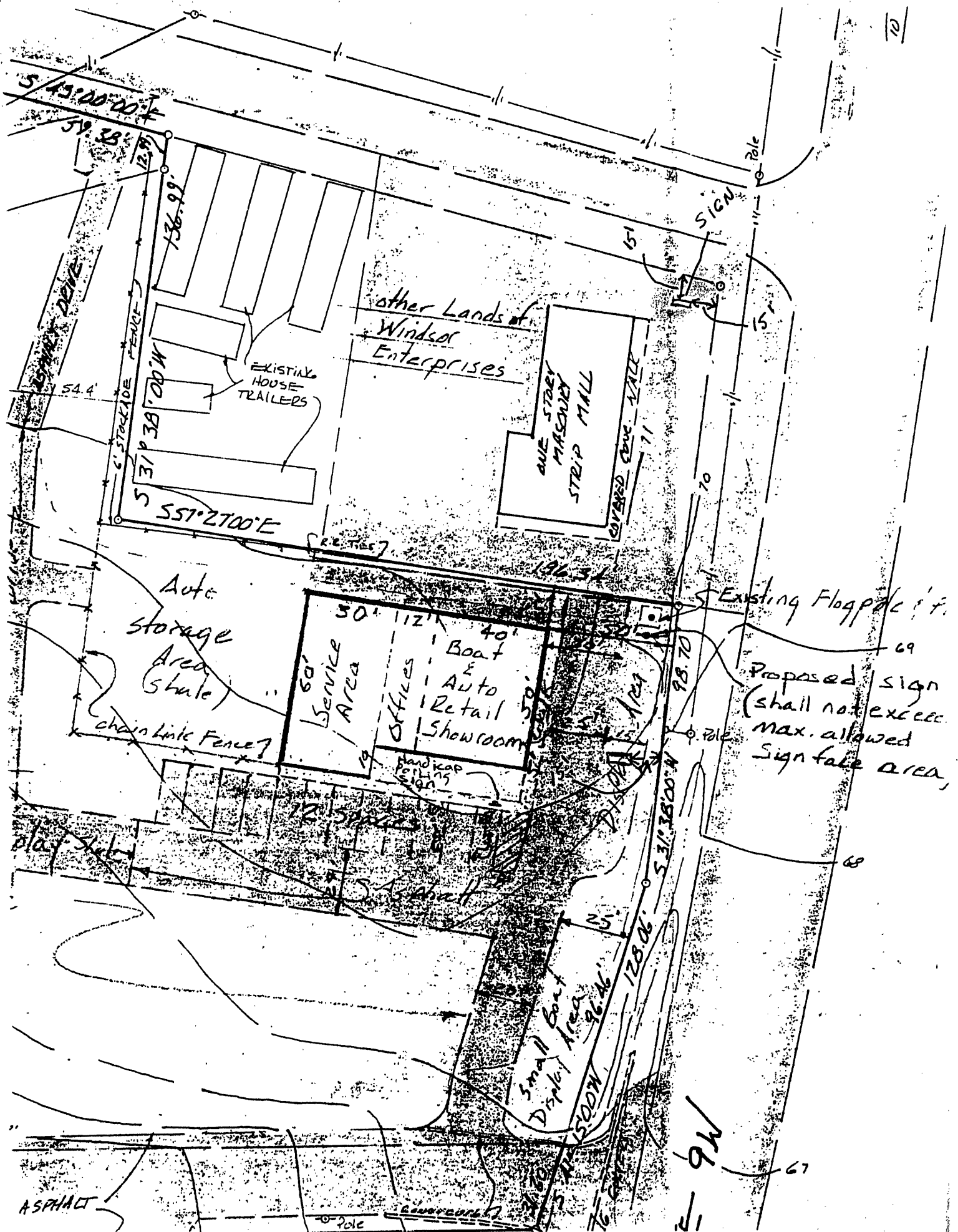
(914) 565-8530 • (914) 565-5280

Windsor Enterprises, Inc.

P.O. Box 928
Vails Gate, New York 12584
5'







ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

Windsor Enterprises, Inc.

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#92-30

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 350 Bethlehem Road, New Windsor, NY 12553.

On September 22, 1992, I compared the 9 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for Variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason
Myra L. Mason

Sworn to before me this

22nd day of September, 1992

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 1993

AFFIMAIL.PLB - DISC#1 P.B.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 30

Request of WINDSOR ENTERPRISES, INC.

for a VARIANCE of
the regulations of the Zoning Local Law to
permit freestanding sign with more than the allowable
sign area in NC zone;

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs. - Col. N.

for property situated as follows:

ROUTE 9W and Caesar's Lane, New Windsor, N. Y. 12553

known and designated as tax map Section 37 - Blk. 1

Lot 34.

SAID HEARING will take place on the 5th day of
October, 1992, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

RICHARD FENWICK
Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

September 22, 1992

Windsor Enterprises, Inc.
P.O. Box 928
Vails Gate, NY 12584

Re: Tax Map Parcel: 37-1-34

Dear Mr. Petro:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$25.00, which you have already paid in the form of a deposit.

Sincerely,

A handwritten signature in cursive script that reads 'Leslie Cook' followed by a circled 'CD'.

Leslie Cook
SOLE ASSESSOR

LC/cad
Attachments
cc: Pat Barnhart

Washburn, Ronald A. & Stephanie
44-52 Rt. 9W
New Windsor, NY 12553 ✓

Paradise Park Inc.
c/o Manix Associates
26 Turner Rd.
Pearl River, NY 10965 ✓

Yonnone, Vincent J.
82 Merline Ave.
New Windsor, NY 12553 ✓

Trifam Associates
270 Main St.
Cornwall, NY 12518 ✓

Clarke, Charlotte
110 Caesars Lane
New Windsor, NY 12553 ✓

Doherty, Paul S. Jr.
20 Saddle Ridge Rd.
Ho-Ho-Kus, NJ 07423 ✓

Town of New Windsor
555 Union Ave.
New Windsor, NY 12553 ✓

Plant, Edward R. & Logan, Robert H.
31 Merritt St.
Port Chester, NY 10573 ✓

Saw Mill Sports Mgmt. Corp.
72 Route 9W
New Windsor, NY 12553 ✓

9

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

9

TO FRANCES ROTH 389 Moores Hill Rd DR.
New Windsor NY 12553

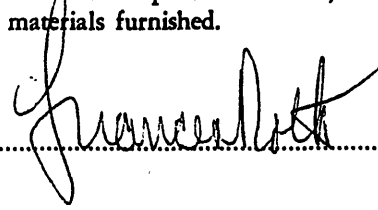
DATE			CLAIMED	ALLOWED
9/26/92		Zoning Board Meeting	75 00	
		Misc. - 4		
		Denhoff - 1		
		Carrels - 5		
		Windsor Enterprises - 2 8 Pizza		
		DePalma - 5		
		Bowins - 1		
		Bittles - 1		
		Freeman - 9		
		Rose - 5		
		Jones - 12	198 00	
			273 00	

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....

the within claim was audited and allowed
for the sum of

\$

Clerk

October 26, 1992

8

WINDSOR ENTERPRISES, INC.

Mr. Raymond Yannone appeared before the board representing this proposal.

MR. FENWICK: This is request for 60 s.f. sign area variance for freestanding sign (Salon/Deli/Pizza).

MR. LUCIA: This is another one that we adjourned from our last meeting and more than 30 days has now elapsed since the Orange County Department of Planning and Development were notified. They were notified on September 17 so we now have jurisdiction to vote on it.

MR. FENWICK: Again, this is a public hearing that was adjourned. I'll again open it up to the public. If there's anyone that would like to speak in this matter, if not, I'll close the matter to the public, open it back up to the members of the board. Any questions? I think we're basically familiar with this.

MR. NUGENT: I make a motion that we grant the variance.

MR. TANNER: Second it.

ROLL CALL

MR. TANNER	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE
MR. FENWICK	AYE

Prelim.

9/14/92.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: SEPTEMBER 10, 1992

APPLICANT: WINDSOR ENTERPRISES, INC.
P.O. BOX 928
MALES GATE N.Y. 12553 12584.

#1 - Salon, Deli,
Pizza

#92-30

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/9/92

FOR (BUILDING PERMIT): TO INSTALL SIGN

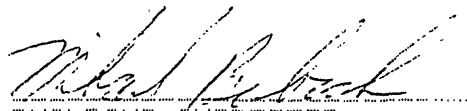
LOCATED AT: CEASARS LANE AND 9W

ZONE NC

DESCRIPTION OF EXISTING SITE: SEC: 37 BLOCK: 1 LOT 35.43 (34)

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. MAX. SQ.FT IN NC ZONE IS 30 SQ.FT


BUILDING INSPECTOR

PERMITTED	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE NC	USE	
SIGN		
FREESTANDING 30 SQ.FT	90 SQ.FT	60 SQ.FT
HEIGHT		
WALL SIGNS		
TOTAL ALL SIGNS		
FEET FROM ANY LOT LINE		

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF
APPEALS.

CC: Z.B.A., APPLICANT, B.P. FILE

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE (CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTIC FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATI APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILD IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SE SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THE IS A FEE FOR THIS

Name of Owner of Premises WINNERS ENTERPRISES, INC.
Address P.O. Box 928 Vails Gate N.Y. Phone 565-8530
Name of Architect
Address Phone
Name of Contractor Jim Petro
Address Phone 565-0749
State whether applicant is owner, lessee, agent, architect, engineer or builder Owner
If applicant is a corporation, signature of duly authorized officer.

James R. Petro V.P.
(Name and title of corporate officer)

1. On what street is property located? On the W side of RT. 9W
and 0-100 feet from the intersection of CEASARS Lane (N.S.E. or W.).
2. Zone or use district in which premises are situated N.C. Is property a flood zone? Yes No
3. Tax Map description of property: Section 3.7 Block 1 Lot 15.3
4. State existing use and occupancy of property and intended use and occupancy of proposed construction.
a. Existing use and occupancy Del. Sales b. Intended use and occupancy 15.3
5. Nature of work (check which applicable): New Building Removal Addition Alteration Repair Repair

FOR ONE OF THOSE LISTED BELOW, UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

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Name of Owner of Premises WINNOR ENTERPRISES, INC.
Address P.O. Box 928 Vails Gate N.Y. Phone 565-8530
Name of Architect _____
Address _____ Phone _____
Name of Contractor John Petro
Address _____ Phone 565-0769
State whether applicant is owner, lessee, agent, architect, engineer or builder Owner
If applicant is a corporation, signature of duly authorized officer.

James R. Petro, Jr. V.P.
(Name and title of corporate officer)

1. On what street is property located? On the W side of RT. 94W
(N.S.E. or W.);
and 0-100 feet from the intersection of CEASARS Lane
2. Zone or use district in which premises are situated NC Is property a flood zone? Yes No
3. Tax Map description of property: Section 37 Block 1 Lot 163
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy DELI SALON b. Intended use and occupancy 163
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration _____ Repair _____
Removal _____ Demolition _____ Other SIGN
6. Size of lot: Front Rear _____ Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
Is this a corner lot? YES
7. Dimensions of entire new construction: Front 200 Rear 200 Depth 300 Height _____ Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost 1500 Fee _____
(to be paid on this application)
11. School District Cornwall

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved w/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer -
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT
Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

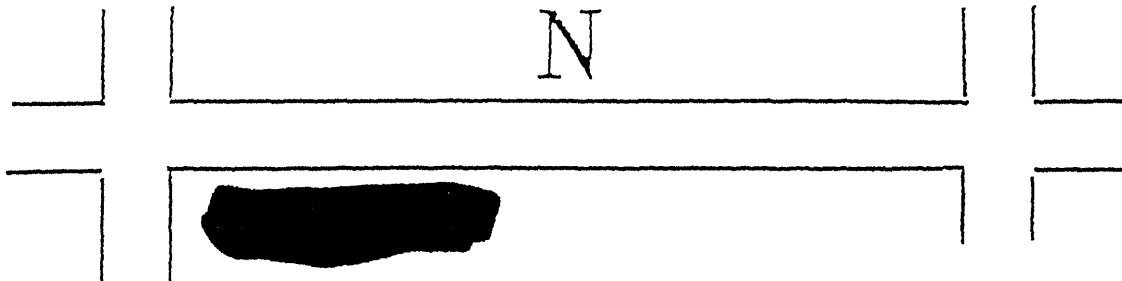
- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....
(Signature of Applicant) 238 MAHAWAY LANE NEW WINDSOR N.Y.
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Disapproved A/C.....
Permit No.

Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer -
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Sewer.....
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APPLICATION FOR BUILDING PERMIT
Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

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James R. Roth 238 MAHARAY LANE NEW WINDSOR N.Y.
(Signature of Applicant) (Address of Applicant)

PLOT PLAN

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